

Remarks

The specification is currently amended to address the Examiner's objections. No new matter is being introduced.

Claims 1-3, 5-20, and 22-38 are pending in the present application with claims 1 and 18 in independent form. Claims 24-26, 32-33 and 35-37 are withdrawn from consideration and claims 7-9, 15, 16 are withdrawn from consideration and currently amended. Claims 4 and 21 were previously cancelled. Claim 1-3, 5, 6, 10-14, 17, and 18 are currently amended. Claims 19, 27, 28, 30, 31, 34, and 38 remain as originally presented and claims 20, 22, 23, and 29 remain as previously presented.

Claims 1-3, 5, 6, 10-14, 17-20, 22, 23, 27-31, 34, and 38 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Claims 1-3, 10-13, and 17 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,082,048 to Backes et al. (hereinafter Backes et al.). Claim 14 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Backes et al. in view of U.S. 6,817,651 to Carvalho et al. (hereinafter Carvalho et al.). Claims 1, 10-13, 17, and 38 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,209,019 to Morita (hereinafter Morita) in view of U.S. Patent No. 5,269,101 to Nozaki et al. (hereinafter Nozaki et al.). Claims 5 and 6 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Morita in view of Nozaki et al. and further in view of U.S. Patent No. 4,591,203 to Furman (hereinafter Furman). Claims 18, 27-29, and 34 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Morita in view of Nozaki et al. Claims 19 and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Morita in view of Nozaki and further in view of U.S. Patent No. 5,557,890 to Levy et al. Claims 22 and 23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Morita in view of Nozaki et al and further in view of Furman. Claims 30 and 31 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Morita in view of Nozaki et al. in further view Carvalho.

Objections to the Specification

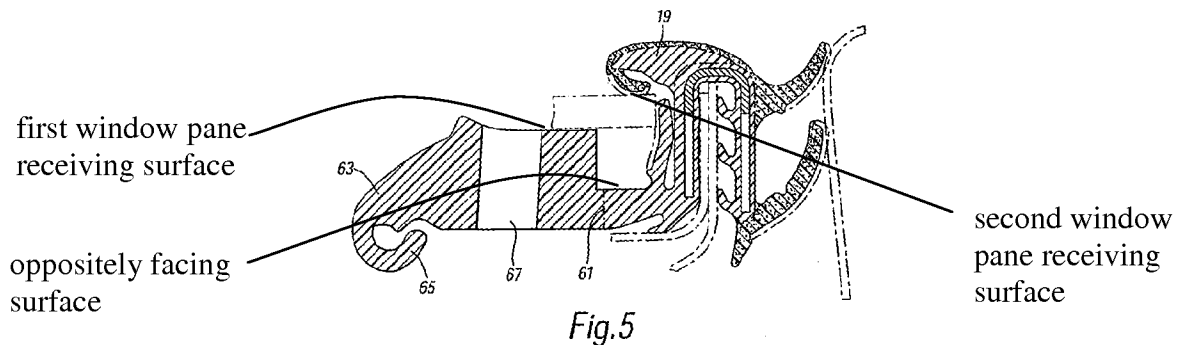
The Examiner objects to the specification based on inconsistencies between the cross-section labels in the specification and the drawings. The specification is currently amended such that the cross-section labels are consistent with those in the drawings. The Applicant respectfully asserts that these amendments to the specification overcome the present objections.

Rejections under §112, Second Paragraph

The Examiner rejects claim 1 under §112, second paragraph, for the use of “or” in the preamble. The word “or” is currently deleted from the preamble and the Applicant respectfully asserts that this rejection is overcome by this amendment.

Claims 1 and 12 stand rejected under §112, second paragraph, because the Examiner states that it is unclear whether the “window pane” is being positively recited. The Applicant respectfully asserts that the current amendment to claim 1 to claim “a window pane” overcomes this rejection by the Examiner.

The Examiner rejects claim 38 because, in the Examiner’s words, “it is unclear what the applicant is attempting to set forth.” For the Examiner’s clarification, Figure 5 is labeled below to show the features of claim 38.



The Applicant respectfully asserts that claim 38 is definite and the subject matter is clearly set forth such that the rejection under §112, second paragraph, should be withdrawn.

Finally, claim 1 stands rejected based on the language “directly visible from the exterior of the vehicle.” This language is currently deleted and the Applicant respectfully asserts that this rejection is overcome by this amendment.

Rejection of Claim 1 under §102(b) over Backes et al.

The Applicant respectfully asserts that claim 1, as currently amended, overcomes the rejection under §102(b) as being anticipated by Backes et al. The Applicant respectfully asserts that no embodiment of Backes et al. teaches each and every element of amended claim 1.

First, Backes et al. fails to teach “a window pane fixed in position relative to the strip,” as claimed in amended claim 1. In contrast, Backes et al. clearly discloses in the paragraph beginning at column 1, line 55, that the window glass in the window opening 6 can be raised and lowered relative to the strip 5. The cross-sectional views relied upon by the Examiner are taken through the window opening 6, i.e., with the moveable window glass. Backes et al. is silent as to the structure of the strip around window opening 8. As such, the Applicant respectfully asserts that Backes et al. fails to teach a “window pane fixed in position” as claimed in amended claim 1. For this reason, the Applicant respectfully asserts that amended independent claim 1 is novel over Backes et al.

Further, Backes et al. discloses three embodiments shown in Figure 3, Figure 5, and Figure 6, respectively, and the Applicant respectfully asserts that each of these three embodiments individually fail to teach each and every element of amended claim 1. First, the Applicant respectfully asserts that the embodiments of Figures 3 and 5 of Backes et al. fail to teach “extruded material in contact with the exterior side of the window pane” (emphasis added) and also fails to teach “molded material in contact with the interior side of the window pane,” (emphasis added) as claimed in independent claim 1. Specifically, as shown in Figure 3, the moulded part 40 is in contact with the outer face 76A of the glass 76 and the extruded structure 54 is in contact with the inner face 76B of the glass 76. Also, in the embodiment

shown in Figure 5, the extruded structure 54 is in contact with both the outer face 76A and the inner face 76B of the glass 76.

Further, the embodiment of Figure 6 of Backes et al. fails to teach “the molding material including at least one integral formation at the interior side of the window pane,” as claimed in independent claim 1. For these reasons, the Applicant respectfully asserts that each embodiment of Figures 3, 5, and 6 fails to teach each and every element of amended claim 1. For this reason, the Applicant respectfully asserts that amended independent claim 1 is novel over Backes et al.

Further, although claim 1 is not currently rejected as being obvious over Backes et al., the Applicant respectfully asserts that amended claim 1 is nonobvious over Backes et al. because, at the very least, any modification of Backes et al. in an attempt to arrive at the invention of amended claim 1 would impermissibly require a substantial reconstruction of the sealing, trimming, or guiding strip of Backes et al. Accordingly, the Applicant respectfully asserts that amended claim 1 is novel and nonobvious over Backes et al.

Rejection of Claim 1 under §103(a) over Morita in view of Nozaki et al.

The Applicant respectfully asserts that amended claim 1 is nonobvious over Morita and Nozaki et al. First, the Applicant respectfully asserts that the combination of Morita and Nozaki et al. fail to teach, or even suggest, all of the claim limitations of amended claim 1. As the Examiner is aware, despite the recent revision to MPEP §2100 largely in response to *KSR Int'l v. Teleflex Inc.*, 127 S.Ct. 1727 (2007), a prior art combination must still teach or suggest all the claim limitations to establish a *prima facie* case of obviousness. The Board of Patent Appeals and Interferences recently confirmed this principle. *See Ex parte Wada and Murphy*, Appeal 2007-3733.

Specifically, the Applicant respectfully asserts that the combination of Morita and Nozaki et al. fail to teach, or even suggest, a “window pane fixed in position relative to the strip” as claimed in amended claim 1. In contrast, Morita clearly discloses that the window

glass 92 is moveable relative to the seal structure 1. Further, the weatherstrip of Nozaki et al. is of the type used with moveable glass and, in any event, Nozaki et al. fails to teach a window pane fixed to a strip. For this reason, the Applicant respectfully asserts that amended claim 1 is nonobvious over the combination of Morita and Nozaki et al.

Further, the Applicant respectfully asserts that the Applicant's arguments set forth in the Amendment dated August 4, 2010 remain applicable to the amended claim 1. For example, the Applicant previously set forth, and the Examiner presumably agrees, that the primary reference, Morita, fails to teach, or even suggest, "the molded material including at least one integral formation," as claimed in amended claim 1. In fact, the Examiner notes on page 7 of the present Office Action that the frame holding portion 126 of Morita is not molded but, instead, is extruded. The Applicant also previously set forth that the secondary reference, Nozaki et al., fails to teach, or even suggest, "the molded material including at least one integral formation."

In response, on page 14 of the present Office Action, the Examiner notes that it is improper to show nonobviousness by attacking references individually. For clarification purposes, the Applicant is not attacking the references individually and respectfully asserts that the neither Morita nor Nozaki et al., in combination, teach or suggest "the molded material including at least one integral formation" as claimed in claim 1. The secondary reference, Nozaki et al., only teaches molding corners of a weatherstrip 10, which is substantially different than molding the "integral formation" of claim 1.

In fact, the primary reference, Morita, actually teaches away from the combination proposed by the Examiner. *See* MPEP §2141.03VI. The Examiner states that, in light of Nozaki et al., it would have been obvious at the time of the present invention to form the frame holding portion 126 of molded material. The Applicant disagrees and notes that Morita states several times that the seal structure is formed of "integral extrusion." Further, beginning at column 4 line 65, Morita teaches that the door flange clamping portion 11, the glass seal portion 12, and the drip seal 13 are produced by "integral extrusion" so that the "manufacture is

easy, the structure is simplified and the possibility of producing a gap between the elements at the time of assembly is precluded.” As such, Morita clearly teaches away from forming the frame holding portion 126 of the glass seal portion 12 of molded material, as proposed by the Examiner. For this reason, the Applicant respectfully asserts that amended claim 1 is nonobvious over the combination of Morita and Nozaki et al.

The Applicant also notes that the Examiner is required to provide a clear articulation as to why a person having ordinary skill in the art, at the time of the invention, would modify Morita with Nozaki et al., as proposed by the Examiner. *See* MPEP §2141. The Examiner states on page 8 of the present Office Action that “It would have been obvious to one of ordinary skill in the art to provide Morita with a molded portion and its attendant method steps, as taught by Nozaki et al., to improve the seal quality at the corners of the window frame and to provide a more secure means for mounting the side light of the rear door to the window frame.” The Applicant respectfully disagrees and notes again that the primary Morita actually teaches away from such a modification including molded material. Further, it is completely unclear how modifying Morita to include molded material that includes at least one integral formation, as claimed in claim 1, “improves the seal quality at the corners of the window frame” as asserted by the Examiner. The Applicant respectfully requests clarification.

Rejection of Independent Claim 18 under §103(a) over Morita in view of Nozaki et al.

The Applicant respectfully asserts that amended independent claim 18 is nonobvious over the combination of Morita and Nozaki et al. First, the Applicant respectfully asserts that the combination of Morita and Nozaki et al. fails to teach, or even suggest, “assembling the strip to the window pane so that the window pane is fixed in position relative to the strip,” as claimed in amended claim 18. As set forth above, Morita teaches a moveable window glass and Nozaki et al. fails to teach a window pane that is fixed. For this reason alone, the Applicant respectfully asserts that amended independent claim 18 is nonobvious over the combination of Morita and Nozaki et al.

Further, as previously set forth, the Applicant again respectfully asserts that a person having ordinary skill in the art would not have led to modify the seal structure 1 of Morita such that the molded material includes “at least one integral formation for securing the molded material to the window frame,” as claimed in amended independent claim 18.

Further, as set forth above, neither Morita nor Nozaki et al., alone or in combination, teach or suggest “the molded material including at least one integral formation” as claimed in claim 18. In fact, the primary reference, Morita, actually teaches away from the combination proposed by the Examiner, as set forth above. *See* MPEP §2141.03VI. For these reasons already set forth above, the Applicant respectfully asserts that amended claim 18 is nonobvious over the combination of Morita and Nozaki et al.

In view of the foregoing, it is respectfully submitted that independent claims 1 and 18, and the claims that depend therefrom, are both novel and nonobvious such that these claims are in condition for allowance, which allowance is respectfully requested. If any issue regarding the allowability of any of the pending claims could be readily resolved, or if other action could be taken to further advance prosecution, such as an Examiner’s Amendment, it is respectfully requested that the Examiner telephone the undersigned in this regard.

The Applicant notes that a Supplemental Information Disclosure is submitted herewith to disclose recent documents in an ongoing Opposition Proceeding before the European Patent Office involving a European patent related to the present application.

Finally, this Amendment is submitted with a Request for Continued Examination and the associated fee. Although no fees in addition to those submitted herewith are believed to be due, the Commissioner is authorized to charge our Deposit Account No. 08-2789 in the name of Howard & Howard Attorneys PLLC for any fees or credit the account for any overpayment for this matter.

Respectfully submitted,

HOWARD & HOWARD ATTORNEYS PLLC

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